

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Doll *et al.*

Appl. No. 10/570,839

Filed: December 18, 2006

For: **Electronic Components and
Methods for Producing Same**

Confirmation No. 8784

Art Unit: 2891

Examiner: Matthew W. Such

Atty. Docket: 3222.1430000

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated March 6, 2008, requesting an election of one of the embodiments to prosecute, Applicants hereby provisionally elect, with traverse, the embodiments designated by the Examiner as Group II, a method to produce electronic components with closely adjacent electrodes on a substrate, wherein the third metal layer is in direct contact with the first and second metal layers. Claims 2, 4, 5-7, 13, and 19-22 read on the embodiment.

The Restriction Requirement is traversed. A proper Restriction Requirement must be supported by two aspects: (A) the reasons why each embodiment is either independent or distinct from the others; and (B) the reasons why there would be a serious burden on the examiner if there is no restriction. *See* M.P.E.P. § 808. The present Restriction Requirement is not supported by either a proper showing of independence or a proper showing of distinctness between Groups I and II and between Groups IA and IB. Furthermore, the present Restriction Requirement is not supported by any showing of a burden to the Examiner.

The embodiments of Groups I and II as outlined by the Examiner are linked by claim 2. Claim 2 is generic and encompasses depositing metal layers on a substrate for producing closely adjacent electrodes. Thus, claim 2 links Groups I and II. Claims 3, 4, and 8 include additional elements in the claimed embodiment of claim 2, and are related as combinations/sub-combinations. The Examiner has not demonstrated two-way distinctiveness as required by the M.P.E.P. for embodiments related to combinations/sub-combinations (Groups I and II).

In addition, the Examiner has not demonstrated that the embodiments of Groups IA and IB are independent or distinct. The Examiner has not demonstrated that the embodiments as claimed in these groups can be made by, or used in (emphasis added), a *materially* different process. *See* M.P.E.P. § 802. Moreover, the Examiner, at page three of the Office Action, admits the resultant structure, i.e., the "effect," produced by the embodiments of Groups IA and IB is the same. Furthermore, the embodiments of Groups IA and IB are clearly obvious variants over each other.

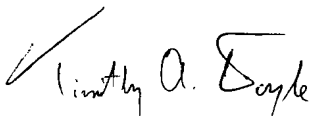
Each of the recited groups would have a similar, if not the same, classification and co-extensive search. A similar classification and co-extensive search do not demonstrate a burden placed upon the Office to search and examine the allegedly separate groups of invention. Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

Applicants understand that upon allowance of the generic claim 2, Applicants are entitled to a withdrawal of the Restriction Requirement between the allowable elected embodiment and nonelected embodiments and examination in full of the formerly nonelected embodiments for patentability in accordance with 37 C.F.R. § 1.104. *See* M.P.E.P. § 821.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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